

JAN 05 2007

WOODS FULLER  
SHULTZ & SMITH P.C.

## FAX COVER SHEET

FAX #: (571) 273-8300

TO: Commissioner for Patents

ATTENTION: Examiner Kieu D. Vu

ART GROUP NO.: 2173

FROM: ☐ Jeffrey A. Proehl ☒ Wanita Jacobsma  
☐ Denise Moani NelsonRE: Appln. No. 10/016,585 Filing Date: October 22, 2001  
Applicant: Theodore D. WugofskiEnclosed: Response to Notice of Non-Compliant Amendment  
Notice of Non-Compliant AmendmentTotal Number of Pages (Including cover sheet): 15 (Please call us as soon as possible if you do not receive all pages).Certificate of TransmissionI hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office to 571-273-8300 on January 5, 2007.  
Signature☐ Jeffrey A. Proehl  
☒ Wanita Jacobsma  
☐ Denise Moani Nelson

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JAN 05 2007

Client's Docket: P1328US01  
Attorney's Docket No. 25-007930027

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No. 10/016,585 )  
First Named Applicant: Theodore D. Wugofski )  
Filed: October 22, 2001 )  
For: PROGRAMMABLE GRAPHICAL USER )  
INTERFACE CONTROL SYSTEM AND METHOD )  
TC/A.U.: 2173 )  
Examiner: Kieu D. Vu )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NON-COMPLIANT AMENDMENT**

Responsive to the "Notice of Non-Compliant Amendment" mailed July 26, 2004, applicant submits the following papers:

- 1) a copy of the "Notice of Non-Compliant Amendment" indicating that the amendment submitted on November 21, 2006 in response to the Office Action mailed August 22, 2006 was incomplete and unsigned; and
- 2) a copy of the completed and signed amendment in response to the Office Action dated August 22, 2006.

It is believed that the paper submitted herewith corrects the matter noted in the Notice, and early consideration of the Amendment and allowance is courteously solicited.

Respectfully submitted,

WOODS, FULLER, SHULTZ & SMITH P.C.



Date: Jan 5, 2007

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## UNITED STATES PATENT AND TRADEMARK OFFICE

P/328US01  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,585	10/22/2001	Theodore D. Wugofski	P1328US01	4021
7590	12/05/2006		EXAMINER	
Gateway, Inc. Attention: Mark Dickey MS Y-04 610 Gateway Drive N. Sioux City, SD 57049			VU, KIEU D	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 12/05/2006

**DOCKETED**

Please find below and/or attached an Office communication concerning this application or proceeding.

# **Notice of Non-Compliant Amendment (37 CFR 1.121)**

Application No.

10/016,585

Examiner

Kieu D. Vu

Applicant(s)

WUGOFSKI, THEODORE D.

Art Unit

2173

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

The amendment document filed on 21 November 2006 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_.
- ☒ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):  
The amendment is incomplete and unsigned.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

## **TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

- Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
- Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Kieu D. Vu

Telephone No. 571-272-4057

Legal Instruments Examiner (LIE), if applicable

U.S. Patent and Trademark Office

Part of Paper No. 20081201